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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Cantrell)
Serial No. 09/619,793) Examiner: D. Walls
Filed: 07/20/00) Unit No. 1731
FOR: WRAPPER FOR A SMOKING ARTICLE)

CERTIFICATE OF FACSIMILE TRANSMISSION

VIA FAX 1-(703)-872-9310

ATTN: Examiner Walls
Group Art Unit: 1731

PLEASE DELIVER DIRECTLY TO EXAMINER WALLS

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:

Dorothy P. Roane
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Dorothy P. Roane
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Date

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Unit No. 1731

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The Examiner has rejected claims 6 and 10 under 35 USC §103(a) as being unpatentable over Kopsch et al in combination with Hampl, Jr., Drawett and Schneider et al. Applicant respectfully traverses the Examiner on this ground of rejection.

Claims 6 and 10 are dependent claims of independent claims 1 and 7 claiming that the flax is selected from the group consisting of a specific combination of bast flax fibers and shive flax fibers wherein the bast flax fibers will be from 50 to 90% and the shive flax fibers will be from 10-50%.

Schneider et al is cited as allegedly teaching a cigarette paper which includes as a filler in the paper from 20 to 50% by weight of bast fibers of fine fibrillation which is incorporated in the paper to promote diffusion and particularly the diffusion of carbon monoxide. Nowhere does this reference teach or remotely suggest a wrapper for a cigarette which includes an inner wrap for reducing spotting or staining of the smoking article during storage or transportation much less an inner wrap having a very specific combination of wood fibers and flax fibers. The cigarette paper as taught by Schneider et al does not correct the deficiencies of the combination of Kopsch et al with Hampl, Jr. and Drawett. Thus, Applicant urges that claims 6 and 10 are not taught by the suggested combination and again the Examiner is piecemealing references which Applicant has explained is clearly improper as a long line of cases have held. Therefore,

Applicant respectfully requests that the Examiner withdraw this rejection of claims 6 and 10.

Applicant urges that the instant application is now in condition for allowance. However, if the Examiner believes there are other unresolved issues in this case, Applicant's attorney of record would appreciate a call at (502) 584-1135 to discuss such remaining issues.

Respectfully submitted,



Charles G. Lamb
MIDDLETON REUTLINGER
2500 Brown & Williamson Tower
Louisville, Kentucky 40202
(502) 584-1135

Reg. No. 24,783

#8/OM
2-24-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No. 09/619,793) Examiner: D. Walls
Filed: 07/20/00) Unit No. 1731
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AMENDMENT B UNDER RULE 111

Commissioner of Patent and Trademarks
Washington, DC 20231

Dear Sir:

In response to the Office Action dated December 10, 2002,
please amend subject application accordingly:

REMARKS

Claims 1-13 remain in the application.

The Examiner has rejected claim 1-5, 7-9 and 11 under 35 USC §103(a) as being unpatentable over Kopsch et al in combination with Hampl, Jr. and Drewett. Applicant respectfully traverses Examiner on this ground of rejection.

The instant invention is directed to a smoking article having improved taste quality while simultaneously reducing spotting or staining. This improved taste quality while simultaneously reducing spotting or staining of the outer wrap is accomplished by the incorporation of a very specific combination

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